

**Question #3 from committee member Lott:**

*3) The proposal has a lengthy list of proposed scope of practice. Can the applicant group supply what level of supervision, direct or indirect, will be required to perform those duties? Also their definition of direct and indirect supervision?*

Various professional (health related) definitions including “direct/indirect supervision.”

**Licensed Practical Nurse – Certified Practice Act:**

**38-1607 Direct supervision, defined.**

Direct supervision means that the responsible licensed practitioner or registered nurse is physically present in the clinical area and is available to assess, evaluate, and respond immediately.

**Source:** Laws 2007, LB463, § 589

**Nebraska Revised Statutes Section 38-1607**

The link to the definition is: <http://nebraskalegislature.gov/laws/statutes.php?statute=38-1607>

**Perfusion Practice Act: Section 38-2707**

An applicant with a temporary license may practice only under the direct supervision of a perfusionist. The board may adopt and promulgate rules and regulations governing such direct supervision which do not require the immediate physical presence of the supervising perfusionist.

**Physical Therapy Act:**

**38-2906 Direct supervision, defined.**

Direct supervision means supervision in which the supervising practitioner is physically present and immediately available and does not include supervision provided by means of telecommunication.

**Source:** Laws 2006, LB 994, § 124; R.S.Supp., 2006, § 71-1,368; Laws 2007, LB463, § 999.\

**Podiatry Act:**

**38-3007 Podiatry; practice; persons excepted.**

The Podiatry Practice Act shall not be construed to include (1) licensed physicians and surgeons or licensed osteopathic physicians, (2) physicians and surgeons who serve in the armed forces of the United States or the United States Public Health Service or who are employed by the United States Department of Veterans Affairs or other federal agencies, if their practice is limited to that service or employment, (3) students who have not graduated from a school of podiatry and are enrolled in an approved and accredited school of podiatry when the services performed are a part of the course of study **and are under the direct supervision of a licensed podiatrist**, or (4) graduates of a school of podiatry currently enrolled in a postgraduate residency program

**Veterinary Medicine and Surgery Act:**

**38-3307 Direct supervision, defined.**

Direct supervision means that the supervisor is on the premises and is available to the veterinary technician or unlicensed assistant who is treating the animal and the animal has been examined by a veterinarian at such times as acceptable veterinary practice requires consistent with the particular delegated animal health care task.

**38-3309 Indirect supervision, defined.**

Indirect supervision means that the supervisor is not on the premises but is easily accessible and has given written or oral instructions for treatment of the animal and the animal has been examined by a veterinarian at such times as acceptable veterinary practice requires consistent with the particular delegated animal health care task.

**Source:** Laws 2007, LB463, § 1091.

**Chiropractors:****38-806 Chiropractic practice; persons excepted.**

The Chiropractic Practice Act shall not be construed to include the following classes of persons:

- (1) Licensed physicians and surgeons and licensed osteopathic physicians who are exclusively engaged in the practice of their respective professions;
- (2) Physicians who serve in the armed forces of the United States or the United States Public Health Service or who are employed by the United States Department of Veterans Affairs or other federal agencies, if their practice is limited to that service or employment;
- (3) Chiropractors licensed in another state when incidentally called into this state in consultation with a chiropractor licensed in this state; or
- (4) Students enrolled in an accredited college of chiropractic when the services performed are a part of the course of study and **are under the direct supervision of a licensed chiropractor.**

**Dentistry Act:****38-1110 Indirect supervision, defined.**

Indirect supervision means supervision when the licensed dentist authorizes the procedure to be performed by a dental hygienist or dental assistant and the licensed dentist is physically present on the premises when such procedure is being performed by the dental hygienist pursuant to section 38-1132 or the dental assistant.

**Genetic Counselors:****38-3417. Act; persons exempt.**

The Genetic Counseling Practice Act does not apply to:

- (1) An individual licensed under the Uniform Credentialing Act to practice a profession other than genetic counseling when acting within the scope of his or her profession and doing work of a nature consistent with his or her training, except that such individual shall not hold himself or herself out to the public as a genetic counselor;
- (2) An individual employed by the United States Government or an agency thereof to provide genetic counseling if he or she provides genetic counseling solely under the direction and control of the organization by which he or she is employed;
- (3) A genetic counseling intern if genetic counseling performed by the genetic counseling intern is an integral part of the course of study and is performed **under the direct supervision of a genetic counselor who is on duty and available in the assigned patient care area** and if the genetic counseling intern is designated by the title genetic counseling intern; or
- (4) An individual certified by the national genetic counseling board or the national medical genetics board to provide genetic counseling who permanently resides outside the state and is providing consulting services within the state for a period of two months or less.

## **Physician Assistants:**

### **38-2047. Physician assistants; services performed; supervision requirements.**

(7) A physician assistant may render services in a setting geographically remote from the supervising physician, except that a physician assistant with less than two years of experience shall comply with standards of supervision established in rules and regulations adopted and promulgated under the Medicine and Surgery Practice Act. The board may consider an application for waiver of the standards and may waive the standards upon a showing of good cause by the supervising physician. The department may adopt and promulgate rules and regulations establishing minimum requirements for such waivers.

## **Pharmacy technicians**

### **38-2845. Supervision, defined.**

Supervision means the personal guidance and direction by a pharmacist of the performance by a pharmacy technician of authorized activities or functions subject to verification by such pharmacist. Supervision of a pharmacy technician may occur by means of a real-time audiovisual communication system.

The applicant group proposes the following definitions regarding various types of supervision:

**Indirect supervision-** Indirect supervision means that the responsible licensed practitioner or registered nurse is physically present in the clinical area and is available to assess, evaluate, and respond immediately.

**Direct supervision-** Direct supervision means that the responsible licensed practitioner or registered nurse is physically present in the same area as the surgical technologist and is directly observing the task that is being completed.

The proposed surgical technologist scope of practice from the application on pg. 12 was as follows:

The surgical technologist works under the supervision of the licensed independent practitioner (surgeon) and the nurse, as an integral member of the operating room team.

The proposed scope of practice for a surgical technologist shall include:

1. Maintains highest standard of sterile technique
2. Obtains and opens supplies, instruments, and equipment needed for surgical procedure,
3. Scrubs, gowns and gloves,
4. Sets up sterile table with instruments, supplies, equipment, and medications/solutions needed for procedure,
5. Transfers but does not administer medications according to applicable law,
6. Irrigates with fluid within the sterile field according to applicable law,
7. Performs appropriate counts with circulating nurse,
8. Gowns and gloves surgeon and assistants,
9. Prepares and drapes the patient for the operative procedure,
10. Passes instruments, supplies and equipment to surgeon and assistants during procedure while anticipating the needs of the surgical team,
11. Prepares and cuts suture material,
12. Provides visualization of the operative site through holding retractors, manipulating endoscopes, sponging and suctioning,
13. Applies electrocautery to clamps placed by a licensed independent practitioner on bleeders,

14. Applies skin staples and skin adhesive under the direction of a licensed health care professional who approximates wound edges,
15. Prepares and applies sterile dressings,
16. Connects drains to evacuator/reservoir,
17. Cleans and prepares instruments for terminal sterilization,
18. Assists other members of team with terminal cleaning of room,
19. Assists in prepping room for the next procedure,
20. Positions and transfers the surgical patient,
21. Utilizes appropriate technique in the care of specimens,
22. Assists anesthesia personnel as needed,
23. Applies electrosurgical grounding pads, tourniquets, and monitoring devices before procedure begins,
24. Performs urinary catheterization when necessary,
25. Prepares patient's skin by applying appropriate skin preparation solution and shaving as needed

The applicant group identifies the following tasks of the proposed scope of practice that are performed under indirect supervision.

1. Maintains highest standard of sterile technique
2. Obtains and opens supplies, instruments, and equipment needed for surgical procedure,
3. Scrubs, gowns and gloves,
4. Sets up sterile table with instruments, supplies, equipment, and medications/solutions needed for procedure,
8. Gowns and gloves surgeon and assistants,
9. Prepares and drapes the patient for the operative procedure,
15. Prepares and applies sterile dressings,
17. Cleans and prepares instruments for terminal sterilization,
18. Assists other members of team with terminal cleaning of room,
19. Assists in prepping room for the next procedure,

The applicant group identifies the following tasks of the proposed scope of practice that are performed under direct supervision.

5. Transfers but does not administer medications according to applicable law,
6. Irrigates with fluid within the sterile field according to applicable law,
7. Performs appropriate counts with circulating nurse,
10. Passes instruments, supplies and equipment to surgeon and assistants during procedure while anticipating the needs of the surgical team,
11. Prepares and cuts suture material,
12. Provides visualization of the operative site through holding retractors, manipulating endoscopes, sponging and suctioning,
13. Applies electrocautery to clamps placed by a licensed independent practitioner on bleeders,
14. Applies skin staples and skin adhesive under the direction of a licensed health care professional who approximates wound edges,
16. Connects drains to evacuator/reservoir,
20. Positions and transfers the surgical patient,
21. Utilizes appropriate technique in the care of specimens,
22. Assists anesthesia personnel as needed,
23. Applies electrosurgical grounding pads, tourniquets, and monitoring devices before procedure begins,
24. Performs urinary catheterization when necessary,
25. Prepares patient's skin by applying appropriate skin preparation solution and shaving as needed

### **Proposed Condensed Scope of Practice**

During the first meeting it was suggested by committee member Sandstrom that a more condensed scope of practice be proposed that included necessary limiting factors. This more general scope of practice is listed below.

"SURGICAL TECHNOLOGIST" MEANS A PERSON WHO PERFORMS CERTAIN DUTIES, INCLUDING:

1. Preparing the operating suite for the planned surgical procedure including gathering and opening all equipment, supplies and instrumentation.
2. Creating and maintaining the sterile field through organization and preparation of instruments and supplies including the performance of all necessary surgical counts.
3. Passing instruments, supplies and equipment to the surgeon and assistants during the procedure while anticipating the needs of the surgical team.
4. Assisting the surgeon as directed in accordance with applicable law.
5. Assisting the circulator as directed in the care of the surgical patient.
6. Cleaning of the operating suite including decontamination of instruments, supplies and equipment utilized during the surgical procedure.